

II. Remarks

A. Introduction

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this amendment, Claims 1-7, 9 and 11-15 will be pending in the application. Of the examined claims, Claims 1, 14 and 15 are independent. No new matter has been added.

B. The Rejection under 35 U.S.C. §102(e) Should Be Withdrawn Because Botros Does Not and Cannot Teach the Recited Homopolymer

Claims 1-3, 5-7, 9 and 11-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent No. 6,716,928 to Botros, et al. (hereinafter “Botros”). Applicant traverses the rejection in view of the amended claims.

The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials or steps "and those that do not materially affect the basic and novel characteristic(s)" of the claimed invention. (*See*, e.g., *In re Herz*, 537 F.2d 549, 551-52, (CCPA 1976) (emphasis in original)). Also, a claim can be rejected under 35 U.S.C. §102 "if each and every element as set forth in the claim is found . . . in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, (Fed. Cir. 1987).

Independent Claims 1 and 14 has been amended to recite a coupling agent consisting essentially of a base polypropylene homopolymer and at least one polar monomer grafted thereto. Botros discloses “functionalized products . . . obtained using specific propylene-ethylene impact copolymers . . . [that] are reactor-made intimate mixtures of propylene homopolymer and propylene-ethylene copolymer.” (*See* Botros, column 4, lines 30-37). Further, Botros states that it is necessary to employ these specific impact co-polymers to achieve improved results. (*See* Botros, column 3, lines 26-33). Hence the functionalized products of Botros require a propylene-ethylene copolymer. Botros fails to teach a homopolymer as recited in Claims 1 and 14. The co-polymers of Botros cannot teach the base polypropylene homopolymers as recited. Therefore, Botros fails to teach every element of amended Claims 1 and 14. Accordingly, Botros does not anticipate amended Claims 1 and 14, nor does Botros anticipate the respective dependent claims. Applicant requests that the rejection be withdrawn.

C. The Rejection under 35 U.S.C. §103(a) Should Be Withdrawn Because the References Do Not and Cannot Teach All of the Recited Claim Features

Claims 4 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Botros in view of U.S. Patent No. 6,682,789 to Godavarti, et al. (hereinafter “Godavarti”), and

U.S. Patent No. 5,075,359 to Castagna, et al. (hereinafter “Castagna”). Applicant traverses the rejection in view of the amended claims.

To establish a *prima facie* case of obviousness, the Patent Office must show *inter alia* that the prior art teaches or suggests all the claim limitations. (See Manual of Patent Examination and Procedure (MPEP) § 2143.03; *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974)).

Independent Claim 15 has been amended to recite a coupling agent consisting essentially of a base polypropylene homopolymer and at least one polar monomer grafted thereto. As stated above, Botros fails to teach a homopolymer. Godavarti is only cited for teaching the use of wood fiber. Castagna is only cited for teaching the use of fatty acid esters as lubricants. For at least the reasons mentioned above, Botros, Godavarti and/or Castagna, alone or in combination, fail to teach all the claim features of amended Claim 15. Accordingly, Claim 15 is patentable over Botros, Godavarti and/or Castagna. Applicant requests that the rejection be withdrawn.

Claim 4 depends from amended Claim 1 and includes the features of Claim 1. As stated above, Botros fails to teach a homopolymer. Neither Godavarti nor Castagna can remedy the deficiency of Botros. For at least the reasons mentioned above, Botros, Godavarti and/or Castagna, alone or in combination, fail to teach all the claim features of amended Claim 4. Accordingly, Claim 4 is patentable over Botros, Godavarti and/or Castagna. Applicant requests that the rejection be withdrawn.

D. Conclusion

In view of the above, it is believed that this application is in condition for allowance, and a Notice thereof is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3620. All correspondence should continue to be directed to the address given below.

Respectfully submitted,

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